

REMARKS

Claims 1-12 are pending. Claim 13 is newly added.

Applicants incorporate its previous arguments and respectfully request reconsideration of the claimed invention based upon the arguments presented herein. Additionally, Applicants request an interview with the examiner to discuss the claims relative to the cited prior art.

The United States Patent & Trademark Office (USPTO) rejected the claims under 35 U.S.C. § 103(a) based upon United States Patent No. 6,366,809 issued to Olson, United States Patent No. 6,078,871 issued to Anderson, United States Patent No. 5,929,601 issued to Kaib, United States Patent No. 6,597,948 issued to Rockwell et al., and United States Patent No. 6,748,273 issued to Obel et al.

Olson is directed to an automated external defibrillator that includes a memory and status indication gauge. In particular, the memory can be positioned inside of the housing that surrounds the battery cell. The defibrillator battery can be used with a defibrillator including a battery status indicator which communicates with the defibrillator battery to indicate the status of the defibrillator battery. Anderson is directed to a smart battery, not to batteries in an implantable medical device (IMD). In particular, Anderson discloses a method of displaying a status condition of a smart battery being charged by a smart battery charger. Obel is directed to detecting the status of a battery in an implantable heart stimulator. Battery impedances are measured and an increased value of the measured impedance is detected, from which an impedance based value of the remaining battery capacity is determined. The increase in impedance is analyzed to determine whether the impedance increase is a reliable indicator of the remaining battery capacity. If it is determined that the impedance increase is not reliable for determining the battery capacity, the total charge depletion of the battery is measured and a charge depletion-based value of the remaining battery capacity is determined. Lesinski is directed to microphones for an implantable hearing aid. The sealed microphone is adapted to be included in an implantable

hearing aid system to provide an input signal to an amplifier included in the implantable hearing aid system. Kaib relates to a battery management apparatus for portable electronic devices, not to IMD batteries.

Claim 13 is directed to a "system to provide dynamic, real time display of data associated with at least one capacitor disposed in an IMD." The system includes "a programming head wirelessly connected to the IMD." The system also includes "a programming unit coupled to the programming head, the programming unit includes a graphical user interface (GUI), the GUI dynamically displays status data associated with the at least one capacitor, the data being displayed in real time." A "PC coupled to the programming unit, the PC wirelessly transfers the status data to another party to interpret the status data." Nowhere in the cited art does it disclose "a programming head wirelessly connected to the IMD" in conjunction with a "PC coupled to the programming unit, the PC wirelessly transfers the status data to another party to interpret the status data."

Additionally, Applicants respectfully assert that the USPTO has impermissibly engaged in reference-by-reference limitation-by-limitation analysis without providing a legitimate basis for combining the cited art, especially as to Olson, Lesinski, and Kaib. For at least the reasons provided herein, Applicants assert that the claim invention is not obvious. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date

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